

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ENCOMPASS INSURANCE COMPANY OF  
MASSACHUSETTS,

Plaintiff

v.

JOSEPH D. GIAMPA, FREDERICK T. GIAMPA  
ADVANCED SPINE CENTERS, INC. d/b/a  
FIRST SPINE REHAB, FUTURE  
MANAGEMENT CORPORATION, FUTURE  
MANAGEMENT BUSINESS TRUST,  
EDWARD KENNEDY, BRIAN J. CULLINEY,  
D.C., and JENNIFER McCONNELL, D.C.

Defendants.

Case No. 05-11693 RCL

**DEFENDANTS JOSEPH D. GIAMPA AND FREDERICK T. GIAMPA'S  
MOTION TO DISSOLVE EX PARTE ATTACHMENTS OF REAL PROPERTY**

Now come the Defendants Joseph D. Giampa and Frederick T. Giampa and respectfully move this Honorable Court to dissolve the ex parte attachments on real estate issued on August 16, 2005.

This Motion is supported by the attached Memorandum of Law in Support of Defendants Joseph D. Giampa and Frederick T. Giampa's Motion to Dismiss ex parte attachments of Real Property, Affidavit of James Kennedy, Affidavit of Brian J. Culliney, and Affidavit of Joseph D. Giampa.

Respectfully submitted,  
Joseph D. Giampa and  
Frederick T. Giampa  
By their Attorneys,

/s/ Matthew J. Conroy  
Matthew J. Conroy (BBO# 566928)  
Katherine L. Kurtz (BBO# 658026)  
BELESI & CONROY, P.C.  
114 Waltham Street  
Lexington, Massachusetts 02421  
(781) 862-8060

dated: 08/18/05

**CERTIFICATE OF SERVICE**

I, Matthew J. Conroy do hereby certify that true and accurate copy of the foregoing pleading was mailed, United States Mail postage prepaid to all counsel of record in this matter this 19<sup>th</sup> day of August 2005.

/s/ Matthew J. Conroy  
Matthew J. Conroy

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Defendants.

Case No. 05-11693 RCL

**PROPOSED ORDER ON DISSOLUTION OF  
ATTACHMENTS ON REAL ESTATE AS TO THE  
DEFENDANTS JOSEPH D. GIAMPA AND FREDERICK T. GIAMPA**

Upon the Motion of Joseph D. Giampa and Frederick T. Giampa to Dissolve Attachments of Real Estate and the accompanying Memorandum of Law in Support of Motion of Joseph D. Giampa and Frederick T. Giampa to Dissolve Attachments of Real Estate, and upon consideration thereof, the Court hereby finds that Plaintiff has not met its burden to establish a reasonable likelihood of succeeding on the merits of its claims against Joseph D. and Frederick T. Giampa, and further that it is not likely that Plaintiff will recover judgment of \$625,386.00 against them.

Therefore, the Court hereby Orders as follows:

1. That the attachment against “any and all real estate standing in the name of” or in which Joseph D. Giampa or Frederick T. Giampa holds an interest up to the amount of \$625,386.00 which the Court entered on August 16, 2005 be, and hereby is, DISSOLVED.

DATED: \_\_\_\_\_

BY THE COURT

\_\_\_\_\_  
Reginald C. Lindsay  
United States District Court Judge